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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,379	03/15/2004	Iddys D. Figueroa	200401492-1	3171
7590	03/02/2006		EXAMINER	
HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400			MICHENER, JENNIFER KOLB	
			ART UNIT	PAPER NUMBER
			1762	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/801,379	FIGUEROA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Jennifer K. Michener	1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 21 December 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

*The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.*

1. Claims 1-2 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Voss et al. (4,322,449), as cited by Applicant.

Examiner maintains the rejection of the previous office action.

### ***Claim Rejections - 35 USC § 103***

*The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.*

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Voss, as applied above, in view of Voges (5,894,841).

Examiner maintains the rejection of the previous office action.

### ***Response to Arguments***

3. Applicant's arguments filed 21 December 2005 have been fully considered but they are not persuasive.

Applicant argues that Voss does not disclose selection of a desired dot topography and does not consider any relationship between dot topography and dissolution rate of an active substance. Applicants disagree with Examiner's assertion that Voss' control of

"various parameters" inherently provides control over the dissolution rate of the bioactive agent.

Examiner disagrees.

As outlined previously, Voss teaches a method of applying a bioactive agent to a delivery substrate in the form of dots forming a desired geometrical pattern. A desired pattern of dots indicates a decision was made to select a specific pattern. The desired pattern of dots would yield a desired dot topography.

Voss teaches the control of various parameters, such as dots/second, volume/drop, number of ejection strokes, etc. Examiner maintains that controlling the dot pattern, the size or shape of the dot, or the consistency of the size of the dots will inherently provide control over the dissolution rate. The precise nature of Voss' printing technique yields such control, which is imperative to safe dosing of bioactive agents. Applicant has provided no evidence, other than his statement of disagreement, that such parameters do not inherently control the dissolution rate. In fact, Applicant's instant specification states that the geometric surface area (i.e., size) or volume of the dots affects dissolution rate (p. 8, p. 10). Applicant states on p. 13 and on p. 20 that application parameters such as drop size, firing frequency (dots/second), drop spacing, and deposition patterns are all set based on a target dissolution rate. Therefore, it remains Examiner's position that Voss' control of dots/second, pattern of dots, etc. will inherently control the dissolution rate in the same way that Applicant teaches his dissolution rate is controlled by the same parameters.

Applicant argues against the combination of Voges with Voss because the substrates and purpose of each is different.

Examiner notes that Voges was cited merely to teach that inkjet printing may be performed by either piezoelectric ejection elements or thermal ejection elements.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer K. Michener whose telephone number is (571) 272-1424. The examiner can normally be reached on Mondays & on Tuesday and Wednesday afternoons.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy H. Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Michener  
Primary Examiner  
Art Unit 1762  
February 28, 2006